



**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**  
**Tentative Notice of Action**

<b>MEETING DATE</b> November 18, 2016 <b>LOCAL EFFECTIVE DATE</b> December 2, 2016 <b>APPROX FINAL EFFECTIVE DATE</b> December 23, 2016	<b>CONTACT/PHONE</b> Schani Siong, Project Manager 805-781-4374	<b>APPLICANT</b> Marc Eisemann	<b>FILE NO.</b> DRC2015-00138
<b>SUBJECT</b> A request by <b>Marc Eisemann</b> for a Minor Use Permit/Coastal Development Permit (DRC2015-00138) to 180 square foot addition to an existing outdoor dining patio and associated parking waiver of three (3) parking spaces. The proposed covered patio will be used as a permanent outdoor dining area for the existing restaurant at the Way Station building. The project will result in approximately 600 square feet of disturbance with no structural changes to any other structures on site. The project site is in the Commercial Retail land use category and is located at 80 North Ocean Avenue, in the community of Cayucos. The site is in the Estero planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2015-00138 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued on September 28, 2016.			
<b>LAND USE CATEGORY</b> Commercial Retail	<b>COMBINING DESIGNATION</b> Local Coastal Plan, Visitor-Serving Area, Central Business District, Geological Sensitive Area	<b>ASSESSOR PARCEL NUMBER</b> 064-114-004	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> Estero Planning Area, Communitywide: Parking Lot Design – Central Business District <i>Does the project meet applicable Planning Area Standards: Yes – see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 23.07.120 - Local Coastal Program Area, Section 23.07.080 – Geological Sensitive Area, Section 23.05.106 – Curb, Gutter, Sidewalk, Section 23.04.162 – Off-Street Parking Required, Section 23.04.166 Number of Parking Spaces Required, Section 23.04.170 – Off-Site Parking <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

EXISTING USES: Currently developed with a restaurant, commercial vacation rental, retail, bakery and caretaker's unit	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Public Facilities, Office Professional/ post office, storage <i>East:</i> Commercial Retail/ vacant, stores <i>South:</i> Commercial Retail/ hotel, stores <i>West:</i> Residential Multi-Family/ residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Cayucos Citizens Advisory Council, Public Works, Building Department, Paso Robles Beach Water Association, Cayucos Fire Protection District, Cayucos Sanitary District, and the California Coastal Commission.	
TOPOGRAPHY: Fairly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Morro Rock Mutual Water Company Sewage Disposal: Cayucos Sanitary District Fire Protection: Cayucos Fire Protection District	ACCEPTANCE DATE: September 28, 2016

## DISCUSSION

### PROJECT HISTORY

The property is located in the Central Business District in Cayucos and is developed with two separate structures; a main two-story commercial retail building facing Ocean Avenue (Way Station), and a two-story structure located behind the main structure. The Way Station was operating as a commercial building with a restaurant, office, retail space since 1975. In 1992, the building was damaged in a fire and a Minor Use Permit (D920098P) was approved which in order to rebuild the fire-damaged building. In 2007, Minor Use Permit DRC2005-00173 was approved to construct the rear building, which is used as a bakery/deli and a caretaker's unit.

The site comprises of several uses; restaurant, retail, commercial vacation rental, bakery/deli, and a caretaker's unit. There are currently 17 dedicated on-site parking spaces provided at the rear of the property, which is accessed via an alley from D Street. Parking for the development is considered non-conforming with regards to the number of spaces required to support all the various uses on the property. For existing uses with non-conforming parking, Section 23.09.036b allows expansion of an approved use within the Central Business District if the parking for the expansion area meets the parking standards in Section 23.04.160 et.seq.

### PROJECT DETAIL

The applicant is requesting to expand the outdoor patio cover by 180 square feet to accommodate a permanent outdoor dining area and waive the associated 3 parking spaces required for the additional outdoor dining area. The rest of the back patio has been used historically as a seasonal, outdoor garden seating for the Way Station restaurant patrons. The existing patio cover structure (360 square foot) is in derelict condition and requires a structural upgrade. The expanded new covered outdoor dining area will be approximately 580 square feet. Given the existing non-conforming parking at this site, the CZLUO Section 23.09.036b allows expansion of an approved use within the central business district if the parking for the expansion area meets parking standards in Section 23.04.160 et.seq.

## PLANNING AREA STANDARDS

### Communitywide

#### **C. Parking Lot Design – Central Business District**

1. **Parking lot location.** Where feasible, locate parking areas to the rear or side of buildings.
2. **Access.** Minimize the number of driveways. Where feasible, access to parking areas shall be taken from side streets, alleys, or the less busy street.
3. **Size of Parking Areas.** Wherever possible, separate the parking lot into smaller connected areas of 20 or less cars, interrupted by planted areas and sidewalks.
4. **Pedestrian Connections.** Wherever possible, provide safe, convenient and landscaped pedestrian connections between parking areas, walkways and businesses; and between businesses and surrounding neighborhoods.

*Staff Comments: The proposed development complies with this standard. The project will use the existing commercial parking spaces at the parking lot. The parking lot is accessed from the alley and contains 17 on-site spaces. Well defined pedestrian connections are provided throughout the property.*

**F. Setbacks.** Front – 10 feet, sides – 3 feet, and rear – 5 feet.

*Staff comments: This project complies with this standard.*

### Commercial Retail

**A. Architectural Character.** New development shall include a detailed façade plan which reflects western, Victorian or nautical/seaside architecture. The façade plan shall show articulation of building facades to create relief and visual interest by using architectural elements, such as 50% wood or wood-appearing materials; detailed window trims and moldings; second-story railings and balconies; wooden porches, railings, entryways, walkways, etc.

**B. Building Height.** Maximum building height shall be 30 feet, except as otherwise required in the Central Business District.

#### **C. Central Business District**

1. **Building Location.** In order to create a pedestrian-friendly environment, locate the front façades of new buildings adjacent to the street or other public spaces such as internal plazas.
2. **Pedestrian Connections.** Wherever possible, provide safe, convenient and landscaped pedestrian connections between parking areas, walkways and businesses; and between business, recreation areas, and surrounding neighborhoods.
4. **Building Height, Mass, Scale, and Pedestrian Orientation, Ocean Avenue.** The following standards are intended to reduce the visual massing of buildings in the central business district, while allowing a wide range of two-story building designs. The following standards apply only to properties having frontage on Ocean Avenue:
  - a. **Measurement of Height.** Building and plate heights shall be measured from the center line of Ocean Avenue, at a point midway between the two side property lines projected to the street center line, to the highest point of the structure. However, on lots having an average natural grade less than the Ocean Avenue center line elevation – as measured above – building and plate heights shall be measured from the average natural grade of the lot to the highest point of the structure.

- b. Building Height.** All proposed development, including additions and building replacement, shall meet all of the following:
- 1) Buildings shall be no more than two stories, not to exceed 28 feet in height.
  - 2) Maximum plate height shall be 24 feet. Above that height, only pitched roofs or decorative elements are allowable.
  - 3) No wall facing a public street shall be greater than 24 feet above finished grade. NO other wall shall be greater than 28 feet above finished grade.

- 5. Projections into Front Right-of-Way.** Awnings, trellises, and other accessory building structures are relatively open and do not restrict pedestrian or vehicular movement may project into the front right-of-way, subject to an encroachment permit from the County Public Works Department. Decorative structures or architectural elements may project from upper floors into the front right-of-way, provided that they are not designed to be occupied by persons, and the space between the sidewalk and the first floor building face is open and usable to the general public.

*Staff Comment: The proposed patio expansion is minor, not visible from public roads right-of-ways and no changes are proposed to the existing structures and access. This project complies with these standards.*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

**Section 23.01.043c(1) – Appealable Development.** As set forth in the Public Resources Code Section 30603(a), and this title, an action by the County on a permit application, including any Variance, Exception or Adjustment granted, for any of the following project may be appealed to the California Coastal Commission:

- ii. Areas possessing significant recreational value, including any “V” (Visitor Serving designation) as shown in the Land Use Element and areas in or within 100 feet of a park or recreation area.
- v. Special Communities or Small-Scale Neighborhoods which are significant visitor destination areas as defined by Chapter 23.11 of this title

*Staff Comments: The project is appealable to the Coastal Commission because the project site is located 300 feet from a coastal creek and within a Visitor-Service section of Cayucos.*

**Section 23.04.166 – Number of Parking Spaces Required**

Required parking calculation for the expanded outdoor dining area is as follows:

Restaurants & Bars (on-site consumption)

Customer Spaces: 1 per 60 sf. of customer area =  $180 \text{ sf}/60 = 3 \text{ spaces}$

*Staff Comments: The applicant is requesting to expand an existing covered patio to accommodate a permanent outdoor dining area. The expansion is approximately 180 square feet and will require 3 additional parking spaces. The remainder of the back patio has been historically used as a seasonal, outdoor garden seating area for the restaurant patrons. The parking for the restaurant is considered grandfathered, non-conforming since its operations more than 40 years ago. However, per Section 23.09.036b, approved uses with non-conforming parking in Central Business District are allowed to expand if the expansion meets parking standards in Section 23.04.160 et.seq. This*

*section also allows modifications and adjustments to parking standards if certain criteria or condition can be met.*

#### **Section 23.04.162 – Off-Street Parking Required**

**h. Modifications of parking standards.** The parking standards of this chapter may be modified as follows:

- 1) **Permit Requirements.** Proposals to reduce the required number of parking spaces, or to modify any of the other parking standards of this chapter may be authorized through Minor Use Permit approval.
- 2) **Criteria for approval.** Proposed modifications of parking standards shall be approved only where the Director of Planning and Building first determines, based upon specific findings of fact, that:
  - (i) The characteristics of a use, the site, or its immediate vicinity do not necessitate the number of parking spaces, types of design, or improvements required by this chapter; and
  - (ii) Reduced parking or an alternative to the parking design standards of this chapter will be adequate to accommodate on the site all parking needs generated by the use, or that additional parking is necessary because of specific features of the use, site, or site vicinity; and
  - (iii) No traffic safety problems will result from the proposed modification of parking standards.

*Staff Comments: With this Minor Use Permit, the applicant is requesting modification to parking standards by waiving 3 parking spaces required for the expanded covered outdoor patio seating. Waiver of the 3 parking spaces is justified given the characteristics of the site and its immediate vicinity. The project is located in the commercial retail zone within the Central Business District in Cayucos. There are frontage and on-street parking available adjacent to the property and also, public parking nearby. The approved restaurant is centrally located downtown to serve many transient visitors staying at the lodges and motels along North Ocean Avenue. Minor expansion of the covered patio will not significantly affect the overall parking condition at this property and vicinity, nor will it affect the safety of the pedestrians in downtown.*

#### **Section 23.05.106 – Curb, Gutters and Sidewalks**

The project site is located within the Commercial Retail land use category within an urban reserve line, which requires curb, gutter and sidewalk improvement.

*Staff Comments: There is curb, gutter and sidewalks existing at this property.*

#### **Combining Designations**

##### **23.07.080: Geologic Study Area (GSA)**

All land use permit applications for projects located within a Geologic Study Area (except those exempted by Section 23.07.082) shall be accompanied by a report prepared by a certified engineering geologist and/or registered civil engineer (as to soils engineering), as appropriate.

*Staff Comments: The project site is fairly level and the proposed work scope is a minor addition, which does not pose any hazards to the property and vicinity. At the time of building permit, the applicant shall be required to submit a geotechnical engineering report/ soils report prepared by a certified engineering geologist.*

### **Section 23.07.120 - Local Coastal Program**

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

#### **COASTAL PLAN POLICIES:**

Shoreline Access:	N/A
Recreation and Visitor Serving:	Policy No(s): 1 and 2
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating & Port Facilities:	N/A
Environmentally Sensitive Habitats:	N/A
Agriculture:	N/A
Public Works:	N/A
Coastal Watersheds:	N/A
Visual and Scenic Resources: <input checked="" type="checkbox"/>	Policy No(s): 6
Hazards:	N/A
Archaeology:	N/A
Air Quality:	N/A

*Does the project meet applicable Coastal Plan Policies:* Yes, as conditioned

#### **COASTAL PLAN POLICY DISCUSSION**

##### ***Recreation and Visitor Serving***

**Policy 1: Recreation Opportunities.** Coastal recreational and visitor-serving facilities, especially lower-cost facilities, shall be protected, encouraged and where feasible provided by both public and private means. Removal or conversion or existing lower cost facilities and opportunities in areas designated with the "V" Visitor Serving Overlay in the LUE shall be prohibited unless the use will be replaced by a facility offering comparable visitor serving or recreational opportunities. Visitor serving facilities include all lodging establishments included in the definition of Hotels, Motels in Chapter 7 of Framework for Planning of the Land Use Element and Local Coastal Plan; provided that hotels and motels which are condominium or planned development projects may be approved only where specifically identified as an allowable use by planning area standards of the Land Use Element and Local Coastal Plan. The new construction of non-visitor-serving or non-principally permitted uses shall only be permitted if it can be found that they would not prejudice the provision of adequate visitor-serving facilities to meet the foreseeable demand over the next 20 years.

**Policy 2: Priority for Visitor-Serving Facilities.** Recreational development and commercial visitor-serving facilities shall have priority over non-coastal dependent use, but not over agriculture or coastal dependent industry in accordance with PRC 30222. All uses shall be consistent with protection of significant coastal resources. The Land Use Plan shall incorporate provisions for areas appropriate for visitor-serving facilities that are adequate for foreseeable demand. Visitor-serving commercial developments that involve construction of

major facilities should generally be located within urban areas. Provisions for new facilities or expansion of existing facilities within rural areas shall be confined to selected points of attraction.

*Staff comments: This project complies with these standards. The proposed outdoor patio dining expansion supports the visitor serving use at this landmark property (Way Station restaurant).*

**Visual and Scenic Resources**

**Policy 6: Special Communities and Small Scale Neighborhood.** Within the urbanized areas defined as small-scale neighborhoods or special communities, new development shall be designed and sited to complement and be visually compatible with existing characteristics of the community which may include concerns for the scale of new structures, compatibility with unique or distinguished architectural historical style, or natural features that add to the overall attractiveness of the community.

*Staff comments: This project complies with this standard. The patio cover design is compatible with surrounding structures and not obtrusive to public views.*

**COMMUNITY ADVISORY GROUP COMMENTS:**

Cayucos Community Advisory Council – Recommended approval on September 18, 2016.

**AGENCY REVIEW:**

**Public Works** – *Per response*

**Cayucos Sanitary District** – Will serve letter issued. (CSD, May 2015)

**Morro Rock Mutual Water Company** - Will serve letter issued ( Feb, 2015)

**Cayucos Fire Department** – No comments

**California Coastal Commission** – No response

**LEGAL LOT STATUS:**

Legal Lot – the parcels were created by recorded map and deeds transferred for the Town of Cayucos.

Staff report prepared by Schani Siong and reviewed by Karen Nall, Supervising Planner.